

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CHARLES ELLIS SHIRLEY	§	
VS.	§	CIVIL ACTION NO. 6:10cv348
SHERIFF, HENDERSON COUNTY	§	


ORDER ADOPTING REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE

The above-entitled and numbered petition for writ of habeas corpus pursuant to “28 U.S.C. §§ 2241 - 2255, 2242 and the First and Fourteenth Amendments of equal protection,” construed as a petition pursuant to 28 U.S.C. § 2241, was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Petitioner has filed objections.

Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff’s objections are without merit. Specifically, Petitioner re-urges several arguments on the merits of his claims, or raises new claims not included in his original petition, but fails to address the main conclusion of the Magistrate Judge, that Petitioner has failed to exhaust his claims in the state court. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Petitioner's petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** without prejudice. All motions not previously ruled on are hereby **DENIED**.

**SIGNED this 23rd day of September, 2010.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE